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## OFFICE CONSOLIDATION

## CODIFICATION ADMINISTRATIVE

### Dental Hygiene Act, 1991

Statutes of Ontario, 1991  
Chapter 22

as amended by:  
1998, Chapter 18, Sched. G, s. 27

### Loi de 1991 sur les hygiénistes dentaires

Lois de l'Ontario de 1991  
Chapitre 22

tel qu'il est modifié par :  
l'art. 27 de l'annexe G du chap. 18 de 1998

and the following Regulations (as amended):

et les règlements suivants (tels qu'ils sont modifiés) :

**Examinations (O. Reg. 710/93)**

**General (O. Reg. 218/94)**

July 20, 2001

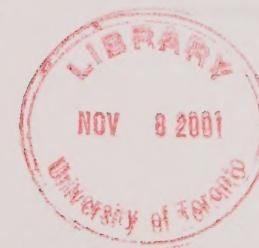
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## CHAPTER 22

### Dental Hygiene Act, 1991

#### Definitions

##### 1. In this Act,

“College” means the College of Dental Hygienists of Ontario; (“Ordre”)

“Health Professions Procedural Code” means the Health Professions Procedural Code set out in Schedule 2 to the *Regulated Health Professions Act, 1991*; (“Code des professions de la santé”)

“member” means a member of the College; (“membre”)

“profession” means the profession of dental hygiene; (“profession”)

“this Act” includes the Health Professions Procedural Code. (“la présente loi”) 1991, c. 22, s. 1.

#### Health Professions Procedural Code

2. (1) The Health Professions Procedural Code shall be deemed to be part of this Act. 1991, c. 22, s. 2 (1).

#### Terms in Code

(2) In the Health Professions Procedural Code as it applies in respect of this Act,

“College” means the College of Dental Hygienists of Ontario; (“ordre”)

“health profession Act” means this Act; (“loi sur une profession de la santé”)

“profession” means the profession of dental hygiene; (“profession”)

“regulations” means the regulations under this Act. (“règlements”) 1991, c. 22, s. 2 (2).

#### Definitions in Code

(3) Definitions in the Health Professions Procedural Code apply with necessary modifications to terms in this Act. 1991, c. 22, s. 2 (3).

#### Scope of practice

3. The practice of dental hygiene is the assessment of teeth and adjacent tissues and treatment by preventive and therapeutic means and the provision of restorative and orthodontic procedures and services. 1991, c. 22, s. 3.

#### Authorized acts

4. In the course of engaging in the practice of dental hygiene, a member is authorized, subject to the terms, conditions and limitations imposed on his or her certificate of registration, to perform the following:

## CHAPITRE 22

### Loi de 1991 sur les hygiénistes dentaires

#### Définitions

1. Les définitions qui suivent s’appliquent à la présente loi.

«Code des professions de la santé» Le Code des professions de la santé figurant à l’annexe 2 de la *Loi de 1991 sur les professions de la santé réglementées*. («Health Professions Procedural Code»)

«la présente loi» S’entend en outre du Code des professions de la santé. («this Act»)

«membre» Membre de l’Ordre. («member»)

«Ordre» L’Ordre des hygiénistes dentaires de l’Ontario. («College»)

«profession» La profession d’hygiéniste dentaire. («profession») 1991, chap. 22, art. 1.

#### Code des professions de la santé

2. (1) Le Code des professions de la santé est réputé faire partie de la présente loi. 1991, chap. 22, par. 2 (1).

#### Termes figurant dans le Code

(2) Dans la mesure où le Code des professions de la santé s’applique à la présente loi, les termes suivants qui y figurent s’interprètent comme suit :

«loi sur une profession de la santé» La présente loi. («health profession Act»)

«ordre» L’Ordre des hygiénistes dentaires de l’Ontario. («College»)

«profession» La profession d’hygiéniste dentaire. («profession»)

«règlements» Les règlements pris en application de la présente loi. («regulations») 1991, chap. 22, par. 2 (2).

#### Définitions du Code

(3) Les définitions qui figurent dans le Code des professions de la santé s’appliquent, avec les adaptations nécessaires, aux termes correspondants figurant dans la présente loi. 1991, chap. 22, par. 2 (3).

#### Champ d’application

3. L’exercice de l’hygiène dentaire consiste dans l’évaluation des dents et des tissus adjacents et leur traitement par des moyens préventifs et thérapeutiques, et dans la prestation d’actes et de soins de restauration et d’orthodontie. 1991, chap. 22, art. 3.

#### Actes autorisés

4. Dans l’exercice de l’hygiène dentaire, un membre est autorisé, sous réserve des conditions et restrictions dont est assorti son certificat d’inscription, à accomplir les actes suivants :

1. Scaling teeth and root planing including curetting surrounding tissue.
2. Orthodontic and restorative procedures. 1991, c. 22, s. 4.

#### **Additional requirements for authorized acts**

5. (1) A member shall not perform a procedure under the authority of section 4 unless the procedure is ordered by a member of the Royal College of Dental Surgeons of Ontario. 1991, c. 22, s. 5 (1).

#### **Grounds for misconduct**

(2) In addition to the grounds set out in subsection 51 (1) of the Health Professions Procedural Code, a panel of the Discipline Committee shall find that a member has committed an act of professional misconduct if the member contravenes subsection (1). 1991, c. 22, s. 5 (2).

#### **College established**

6. The College is established under the name College of Dental Hygienists of Ontario in English and Ordre des hygiénistes dentaires de l'Ontario in French. 1991, c. 22, s. 6.

#### **Council**

7. (1) The Council shall be composed of,
  - (a) at least nine and no more than 12 persons who are members elected in accordance with the by-laws;
  - (b) at least eight and no more than eleven persons appointed by the Lieutenant Governor in Council who are not,
    - (i) members,
    - (ii) members of a College as defined in the *Regulated Health Professions Act, 1991*, or
    - (iii) members of a Council as defined in the *Regulated Health Professions Act, 1991*; and
  - (c) two persons selected, in accordance with a by-law made under section 12.1, from among members who are faculty members of an educational institution in Ontario that is authorized to grant diplomas or degrees in dental hygiene. 1991, c. 22, s. 7 (1); 1998, c. 18, Sched. G, s. 27 (1, 2).

#### **Who can vote in elections**

(2) Subject to the by-laws, every member who practises or resides in Ontario and who is not in default of payment of the annual membership fee is entitled to vote in an election of members of the Council. 1991, c. 22, s. 7 (2); 1998, c. 18, Sched. G, s. 27 (3).

#### **President and Vice-President**

8. The Council shall have a President and Vice-President who shall be elected annually by the Council from among the Council's members. 1991, c. 22, s. 8.

1. Le détartrage des dents et le polissage des racines, y compris le curetage des tissus avoisinants.
2. Des actes d'orthodontie et de restauration. 1991, chap. 22, art. 4.

#### **Exigences supplémentaires relatives aux actes autorisés**

5. (1) Le membre ne doit pas accomplir d'actes autorisés en vertu de l'article 4 à moins qu'un membre de l'Ordre royal des chirurgiens dentistes de l'Ontario ne l'ordonne. 1991, chap. 22, par. 5 (1).

#### **Motifs permettant de conclure à une faute professionnelle**

(2) Un sous-comité du comité de discipline conclut qu'un membre a commis une faute professionnelle non seulement d'après les motifs énoncés au paragraphe 51 (1) du Code des professions de la santé, mais également si le membre contrevient au paragraphe (1). 1991, chap. 22, par. 5 (2).

#### **Création de l'Ordre**

6. L'Ordre est créé sous le nom d'Ordre des hygiénistes dentaires de l'Ontario en français et sous le nom de College of Dental Hygienists of Ontario en anglais. 1991, chap. 22, art. 6.

#### **Conseil**

7. (1) Le conseil se compose :
  - a) d'au moins neuf et d'au plus 12 personnes qui sont des membres élus conformément aux règlements administratifs;
  - b) d'au moins huit et d'au plus onze personnes que nomme le lieutenant-gouverneur en conseil et qui ne sont pas :
    - (i) membres,
    - (ii) membres d'un ordre, tel que le définit la *Loi de 1991 sur les professions de la santé réglementées*,
    - (iii) membres d'un conseil, tel que le définit la *Loi de 1991 sur les professions de la santé réglementées*;
  - c) de deux personnes choisies, conformément à un règlement administratif adopté en vertu de l'article 12.1, parmi les membres qui font partie du corps professoral d'un établissement d'enseignement ontarien habilité à décerner des diplômes ou des grades en hygiène dentaire. 1991, chap. 22, par. 7 (1); 1998, chap. 18, annexe G, par. 27 (1) et (2).

#### **Qui peut voter aux élections**

(2) Sous réserve des règlements administratifs, chaque membre qui exerce sa profession ou réside en Ontario et qui a payé sa cotisation annuelle a droit de vote lors d'une élection des membres du conseil. 1991, chap. 22, par. 7 (2); 1998, chap. 18, annexe G, par. 27 (3).

#### **Président et vice-président**

8. Le conseil comprend un président et un vice-président qui, chaque année, sont choisis parmi les membres du conseil et élus par ce dernier. 1991, chap. 22, art. 8.

**Restricted titles**

**9.** (1) No person other than a member shall use the title "dental hygienist", a variation or abbreviation or an equivalent in another language. 1991, c. 22, s. 9 (1).

**Representations of qualification, etc.**

(2) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a dental hygienist or in a specialty of dental hygiene. 1991, c. 22, s. 9 (2).

**Definition**

(3) In this section,

"abbreviation" includes an abbreviation of a variation. 1991, c. 22, s. 9 (3).

**Notice if suggestions referred to Advisory Council**

**10.** (1) The Registrar shall give a notice to each member if the Minister refers to the Advisory Council, as defined in the *Regulated Health Professions Act, 1991*, a suggested,

- (a) amendment to this Act;
- (b) amendment to a regulation made by the Council; or
- (c) regulation to be made by the Council. 1991, c. 22, s. 10 (1).

**Requirements re notice**

(2) A notice mentioned in subsection (1) shall set out the suggestion referred to the Advisory Council and the notice shall be given within thirty days after the Council of the College receives the Minister's notice of the suggestion. 1991, c. 22, s. 10 (2).

**Offence**

**11.** Every person who contravenes subsection 9 (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for a first offence and not more than \$10,000 for a subsequent offence. 1991, c. 22, s. 11.

**Regulations**

**12.** Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations restricting the drugs that a member may use in the course of engaging in the practice of dental hygiene. 1998, c. 18, Sched. G, s. 27 (4).

**By-laws**

**12.1** The Council may make by-laws respecting the qualifications, selection and terms of office of Council members who are selected. 1998, c. 18, Sched. G, s. 27 (4).

**Transitional**

**13.** A person who, on the day before this Act comes into force, was registered as a dental hygienist under the regulation entitled "Dental Hygienists" made under the *Health Disciplines Act* shall be deemed to be the holder of a certificate of registration issued under this Act subject to any term, condition or limitation to which the registration was subject. 1991, c. 22, s. 13.

**Titre réservé**

**9.** (1) Nul autre qu'un membre ne doit employer le titre d'«hygiéniste dentaire», une variante ou une abréviation, ou un équivalent dans une autre langue. 1991, chap. 22, par. 9 (1).

**Déclaration de compétence**

(2) Nul autre qu'un membre ne doit se présenter comme une personne ayant qualité pour exercer en Ontario la profession d'hygiéniste dentaire, ou une spécialité de l'hygiène dentaire. 1991, chap. 22, par. 9 (2).

**Définition**

(3) La définition qui suit s'applique au présent article.  
«abréviation» S'entend en outre de l'abréviation d'une variante. 1991, chap. 22, par. 9 (3).

**Avis en cas de présentation d'une proposition au Conseil consultatif**

**10.** (1) Le регистратор remet un avis à chaque membre si le ministre soumet au Conseil consultatif, tel que le définit la *Loi de 1991 sur les professions de la santé réglementées*, une proposition, selon le cas :

- a) de modification de la présente loi;
- b) de modification d'un règlement pris par le conseil;
- c) de règlement qui soit pris par le conseil. 1991, chap. 22, par. 10 (1).

**Exigences relatives à l'avis**

(2) L'avis visé au paragraphe (1) énonce la proposition soumise au Conseil consultatif et est donné dans les trente jours qui suivent la réception, par le conseil de l'Ordre, de l'avis de proposition du ministre. 1991, chap. 22, par. 10 (2).

**Infraction**

**11.** Quiconque contrevient au paragraphe 9 (1) ou (2) est coupable d'une infraction et passible, sur déclaration de culpabilité, d'une amende d'au plus 5 000 \$ pour une première infraction, et d'une amende d'au plus 10 000 \$ pour une infraction subséquente. 1991, chap. 22, art. 11.

**Règlements**

**12.** Sous réserve de l'approbation du lieutenant-gouverneur en conseil et après examen par le ministre, le conseil peut, par règlement, limiter les médicaments auxquels un membre peut recourir dans l'exercice de l'hygiène dentaire. 1998, chap. 18, annexe G, par. 27 (4).

**Règlements administratifs**

**12.1** Le conseil peut, par règlement administratif, traiter des compétences, du choix et du mandat des membres du conseil qui sont choisis. 1998, chap. 18, annexe G, par. 27 (4).

**Disposition transitoire**

**13.** Quiconque, le jour précédent l'entrée en vigueur de la présente loi, était inscrit à titre d'hygiéniste dentaire aux termes du règlement portant sur les hygiénistes dentaires et pris en application de la *Loi sur les sciences de la santé* est réputé titulaire d'un certificat d'inscription délivré en vertu de la présente loi, sous réserve de toute condition ou restriction à laquelle était assujettie son inscription. 1991, chap. 22, art. 13.

#### Transition before Act in force

**14.** (1) The Lieutenant Governor in Council may appoint a transitional Council. 1991, c. 22, s. 14 (1).

#### Powers of transitional Council

(2) After the 25th day of November, 1991 but before this Act comes into force, the transitional Council and its employees and committees may do anything that is necessary or advisable for the coming into force of this Act and that the Council and its employees and committees could do under this Act if it were in force. 1991, c. 22, s. 14 (2).

#### Idem

(3) Without limiting the generality of subsection (2), the transitional Council may appoint a Registrar and the Registrar and the Council's committees may accept and process applications for the issue of certificates of registration, charge application fees and issue certificates of registration. 1991, c. 22, s. 14 (3).

#### Powers of Minister

(4) The Minister may,

- (a) review the transitional Council's activities and require the transitional Council to provide reports and information;
- (b) require the transitional Council to make, amend or revoke a regulation under this Act;
- (c) require the transitional Council to do anything that, in the opinion of the Minister, is necessary or advisable to carry out the intent of this Act and the *Regulated Health Professions Act, 1991*. 1991, c. 22, s. 14 (4).

#### Transitional Council to comply with Minister's request

(5) If the Minister requires the transitional Council to do anything under subsection (4), the transitional Council shall, within the time and in the manner specified by the Minister, comply with the requirement and submit a report. 1991, c. 22, s. 14 (5).

#### Regulations

(6) If the Minister requires the transitional Council to make, amend or revoke a regulation under clause (4) (b) and the transitional Council does not do so within sixty days, the Lieutenant Governor in Council may make, amend or revoke the regulation. 1991, c. 22, s. 14 (6).

#### Idem

(7) Subsection (6) does not give the Lieutenant Governor in Council authority to do anything that the transitional Council does not have authority to do. 1991, c. 22, s. 14 (7).

#### Expenses

(8) The Minister may pay the transitional Council for expenses incurred in complying with a requirement under subsection (4). 1991, c. 22, s. 14 (8).

#### Transition avant l'entrée en vigueur de la Loi

**14.** (1) Le lieutenant-gouverneur en conseil peut constituer un conseil transitoire. 1991, chap. 22, par. 14 (1).

#### Pouvoirs du conseil transitoire

(2) Après le 25 novembre 1991 mais avant l'entrée en vigueur de la présente loi, le conseil transitoire, ses employés et ses comités peuvent faire tout ce qui est nécessaire ou souhaitable en prévision de l'entrée en vigueur de la présente loi et tout ce que le conseil, ses employés et ses comités pourraient faire en vertu de la présente loi si elle était en vigueur. 1991, chap. 22, par. 14 (2).

#### Idem

(3) Sans préjudice de la portée générale du paragraphe (2), le conseil transitoire peut nommer un регистратор, и ce dernier ainsi que les comités du conseil peuvent recevoir et traiter les demandes de délivrance de certificat d'inscription, imposer les droits relatifs aux demandes et délivrer les certificats d'inscription. 1991, chap. 22, par. 14 (3).

#### Pouvoirs du ministre

(4) Le ministre peut :

- a) exercer un contrôle sur les activités du conseil transitoire et exiger de celui-ci qu'il fournit des rapports et des renseignements;
- b) exiger du conseil transitoire qu'il prenne, modifie ou abroge un règlement aux termes de la présente loi;
- c) exiger du conseil transitoire qu'il fasse tout ce qui est nécessaire ou souhaitable, de l'avis du ministre, pour réaliser l'intention de la présente loi et de la *Loi de 1991 sur les professions de la santé réglementées*. 1991, chap. 22, par. 14 (4).

#### Obligation du conseil transitoire de satisfaire à l'exigence du ministre

(5) Si le ministre exige du conseil transitoire qu'il prenne l'une ou l'autre mesure prévue au paragraphe (4), le conseil transitoire doit, dans le délai et de la manière précisés par le ministre, satisfaire à l'exigence et présenter un rapport. 1991, chap. 22, par. 14 (5).

#### Règlements

(6) Si le ministre exige du conseil transitoire qu'il prenne, modifie ou abroge un règlement en vertu de l'alinéa (4) b) et que le conseil transitoire n'obtempère pas dans les soixante jours, le lieutenant-gouverneur en conseil peut prendre, modifier ou abroger le règlement. 1991, chap. 22, par. 14 (6).

#### Idem

(7) Le paragraphe (6) n'a pas pour effet d'autoriser le lieutenant-gouverneur en conseil à faire quoi que ce soit que le conseil transitoire n'est pas habilité à faire. 1991, chap. 22, par. 14 (7).

#### Frais

(8) Le ministre peut rembourser le conseil transitoire des frais engagés pour satisfaire à une exigence prévue au paragraphe (4). 1991, chap. 22, par. 14 (8).

**Transition after Act in force**

**15.** (1) After this Act comes into force, the transitional Council shall be the Council of the College if it is constituted in accordance with subsection 7 (1) or, if it is not, it shall be deemed to be the Council of the College until a new Council is constituted in accordance with subsection 7 (1) or until one year has elapsed, whichever comes first. 1991, c. 22, s. 15 (1).

**Terms of members of transitional Council**

(2) The term of a member of the transitional Council shall not expire while the transitional Council is deemed to be the Council of the College. 1991, c. 22, s. 15 (2).

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**Transition après l'entrée en vigueur de la Loi**

**15.** (1) Après l'entrée en vigueur de la présente loi, le conseil transitoire devient le conseil de l'Ordre s'il est constitué conformément au paragraphe 7 (1). S'il ne l'est pas, il est réputé le conseil de l'Ordre jusqu'à ce qu'un nouveau conseil soit constitué conformément au paragraphe 7 (1) ou jusqu'à ce qu'un an se soit écoulé, selon la première de ces deux éventualités. 1991, chap. 22, par. 15 (1).

**Mandat des membres du conseil transitoire**

(2) Le mandat des membres du conseil transitoire n'expire pas tant que le conseil transitoire est réputé le conseil de l'Ordre. 1991, chap. 22, par. 15 (2).

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**Dental Hygiene Act, 1991**  
**Loi de 1991 sur les hygiénistes dentaires**

**ONTARIO REGULATION 710/93**

*No Amendments*

**EXAMINATIONS**

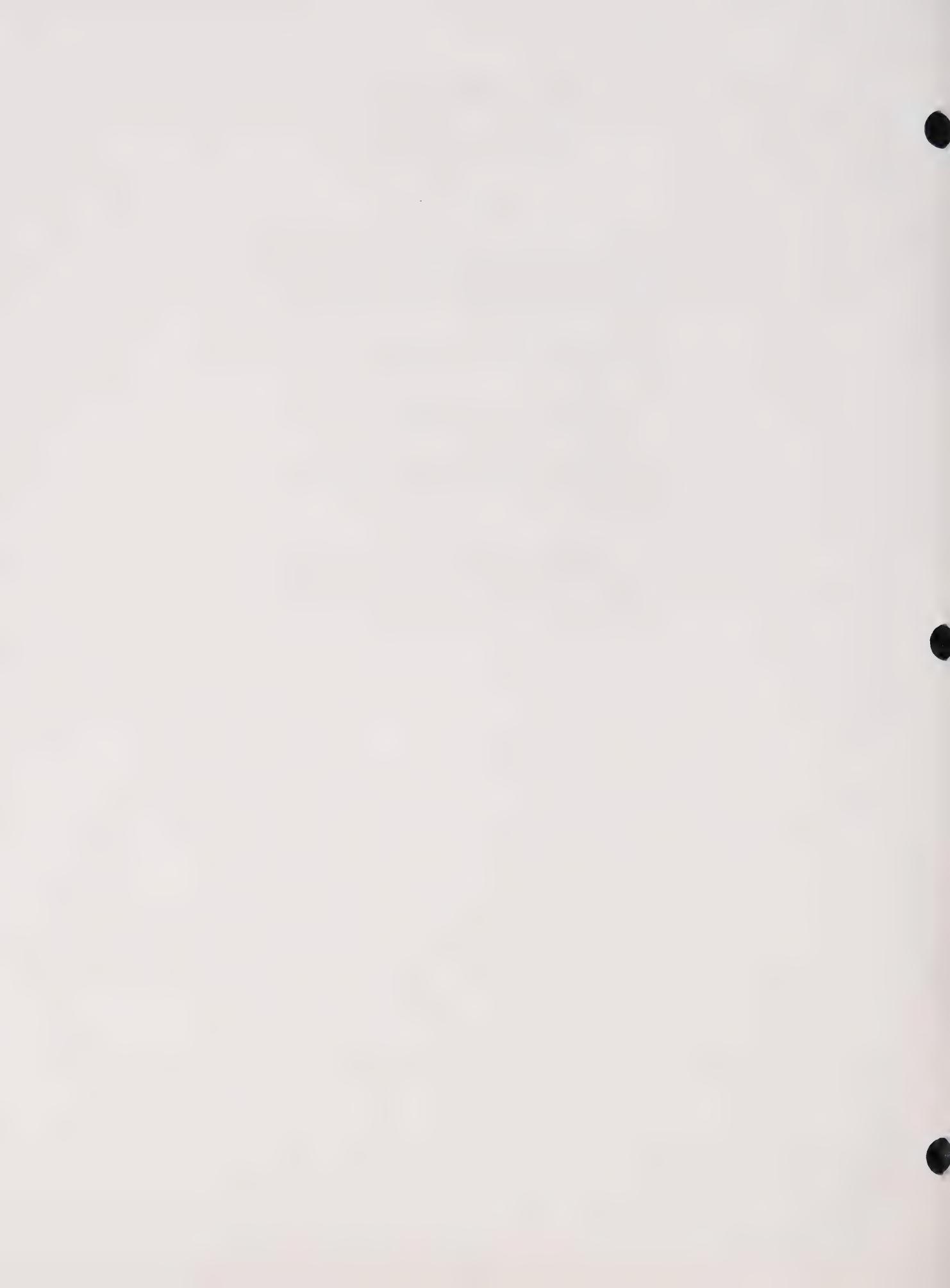
1. In setting the examinations to be taken by applicants to the College for registration, the College shall specify the general areas of competency to be examined and shall ensure that the examinations provide a reliable and valid measure of a candidate's competency in knowledge, skills and ability for the practice of dental hygiene in Ontario. O. Reg. 710/93, s. 1.

2. Written and practical examinations shall be offered at least once yearly and at such other times as the Council considers necessary. O. Reg. 710/93, s. 2.

3. (1) A candidate who fails the examinations may apply for re-examination twice. O. Reg. 710/93, s. 3 (1).

(2) A candidate who fails a third attempt of the examinations must submit to the Registration Committee proof of remediation and upgrading in accordance with policy guidelines issued by the Committee before the candidate may retake the examinations. O. Reg. 710/93, s. 3 (2).

(3) A candidate who fails the examinations may retake them not more than two years after the failure, but if the candidate presents to the Registration Committee proof of remediation and upgrading in accordance with policy guidelines issued by the Committee, he or she may retake the examinations more than two years after the failure. O. Reg. 710/93, s. 3 (3).



# Dental Hygiene Act, 1991

## Loi de 1991 sur les hygiénistes dentaires

### ONTARIO REGULATION 218/94

*Amended to O. Reg. 131/00*

#### GENERAL

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**PART I** REVOKE: O. Reg. 131/00, s. 1.

#### PART II ADVERTISING

6. (1) An advertisement with respect to a member's practice must not contain,
- (a) anything that is false or misleading;
  - (b) anything that, because of its nature, cannot be verified;
  - (c) subject to subsection (2), a reference to any area of practice or to any procedure or treatment;
  - (d) an endorsement other than an endorsement by an organization that is known to have expertise relevant to the subject matter of the endorsement;
  - (e) a testimonial by a patient or former patient or by a friend or relative of a patient or former patient; or
  - (f) a reference to a drug used to provide health services. O. Reg. 218/94, s. 6 (1).

(2) An advertisement with respect to a member's practice may contain a reference to an area of practice or to a procedure or treatment if,

- (a) in the case of a reference to an area of practice that is a prescribed specialty, the member holds a specialty certificate of registration in the specialty and the advertisement states that the member is a specialist in the specialty; and
- (b) in the case of a reference to an area of practice that is not a prescribed specialty or to a treatment or procedure, the advertisement states that the member is not a specialist. O. Reg. 218/94, s. 6 (2).

(3) An advertisement must be readily comprehensible to the persons to whom it is directed. O. Reg. 218/94, s. 6 (3).

**PART III** REVOKE: O. Reg. 131/00, s. 1.

#### PART IV NOTICE OF MEETINGS AND HEARINGS

13. (1) The Registrar shall ensure that notice of every Council meeting that is required to be open to the public under the Act is given in accordance with this Part. O. Reg. 127/97, s. 1.

(2) The notice must be published in a daily newspaper of general circulation throughout Ontario not less than 14 days before the date of the meeting. O. Reg. 127/97, s. 1.

(3) The notice must be in English and French. O. Reg. 127/97, s. 1.

(4) The notice must include the intended date, time and place of the meeting, a statement of the purpose of the meeting, and a contact address or phone number where further information may be obtained. O. Reg. 127/97, s. 1.

(5) The Registrar shall give notice of Council meetings that are open to the public to every person who makes a written request to receive notice of meetings. O. Reg. 127/97, s. 1.

(6) No meeting is invalid simply because a person has not strictly complied with a requirement of this Part. O. Reg. 127/97, s. 1.

14. (1) The Registrar shall ensure that information concerning every hearing of a panel of the Discipline Committee respecting allegations of a member's professional misconduct or incompetence is given to every person who requests it in writing,

- (a) where possible, at least 30 days before the intended date of the hearing, for requests received by that date; or
- (b) for requests received after that date, as soon as is reasonably possible after the request is made. O. Reg. 127/97, s. 1.

(2) The information must include the name of the member against whom the allegations have been made, the member's principal place of practice and any other practice location related to the allegations that are the subject of the hearing, the intended date, time and place of the hearing and a statement of the purpose of the hearing. O. Reg. 127/97, s. 1.

(3) The information must be available in English and French. O. Reg. 127/97, s. 1.

(4) No hearing is invalid simply because a person has not strictly complied with a requirement of this Part. O. Reg. 127/97, s. 1.

#### PART V PROFESSIONAL MISCONDUCT

15. The following are acts of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code:

1. Contravening a term, condition or limitation imposed on the member's certificate of registration.
2. Contravening or failing to maintain a standard of practice of the profession.
3. Treating or attempting to treat a condition that the member knew or ought to have known was beyond his or her expertise or competence.
4. Failing to refer a client to a qualified medical or dental practitioner where the member recognizes or ought to have recognized a condition which required medical or dental examination.
5. Doing anything to a client for a therapeutic, preventative, maintenance or other health-related purpose in a situation in which a consent is required by law, without such a consent.
6. Abusing a client verbally or physically.

7. Engaging in the practice of the profession while the member's ability to do so is impaired by any substance.
8. Discontinuing professional services that are needed unless,
- i. the client requests the discontinuation,
  - ii. alternative services are arranged, or
  - iii. the client is given a reasonable opportunity to arrange alternative services.
9. Discontinuing professional services contrary to the terms of an agreement between the member and a hospital within the meaning of the *Public Hospitals Act*.
10. Practising the profession while the member is in a conflict of interest.
11. Breaching an agreement with a client relating to professional services for the client or fees for such services.
12. Failing to reveal the exact nature of a remedy or treatment used by the member following a request by a client, a client's representative or the College to do so.
13. Making a claim respecting the utility of a remedy, treatment, device or procedure other than a claim which can be supported as reasonable professional opinion.
14. Inappropriately using a term, title or designation in respect of the member's practice.
15. Inappropriately using a term, title or designation indicating a specialization in the profession.
16. Using a name other than the member's name as set out in the register in the course of providing or offering to provide services within the scope of practice of dental hygiene.
17. Failing to identify himself or herself, by name or certificate of registration number, on the request of a client, a client's representative, or another health professional.
18. Advertising or permitting advertising with respect to the member's practice in contravention of the regulations.
19. Appearing in, or permitting the use of the member's name in, an advertisement that implies, or could be reasonably interpreted to imply, that the professional expertise of the member is relevant to the subject matter of the advertisement. This paragraph does not apply to an advertisement of the member's own practice or to an advertisement by a non-profit organization if the member receives no consideration for his or her appearance or the use of his or her name.
20. Allowing any person to examine a client health record or giving any information, copy or thing from a client health record to any person except as required or allowed by law.
21. Failing to provide copies from a client health record for which the member has primary responsibility, as required by the regulations under the Act.
22. Failing to make arrangements with a client for the transfer of the client's records in the care of the member,
- i. when the member retires from practice,
  - ii. when the member changes office location and the client requests that the records be transferred, or
  - iii. when requested to do so by the client.
23. Failing to advise all clients who request it of the new business address and phone number of another member with whom the member previously practised in association, part-
- nership, an employment relationship or otherwise, in order to assist the client to obtain dental hygiene services from the member of his or her choice. This paragraph does not apply to a member who was unable to obtain such information after having made all reasonable efforts to do so.
24. Failing to keep records as required.
25. Falsifying a record relating to the member's practice.
26. Failing, without reasonable cause, to provide a report or certificate relating to an examination or treatment performed by the member, within a reasonable time, to the client or his or her authorized representative after a client or his or her authorized representative has requested such a report or certificate.
27. Signing or issuing, in the member's professional capacity, a document that the member knows contains a false or misleading statement.
28. Failing to pay any money owing to the College.
29. Failing to take reasonable steps to ensure that any information provided by or on behalf of the member to the College is accurate.
30. Failing to reply appropriately or within a reasonable time to a written inquiry made by the College that requests a response.
31. Failing to attend an oral caution of the Complaints Committee or an oral reprimand of the Discipline Committee.
32. Submitting an account or charge for services that the member knows is false or misleading.
33. Counselling or assisting in the submitting of false or misleading accounts or charges to clients or in respect of their care.
34. Charging or accepting a fee or amount that is excessive or unreasonable in relation to the services performed.
35. Entering into an agreement that provides that the member may charge or accept payment of a fee or amount that is excessive or unreasonable having regard to the services that may be performed under the agreement.
36. Failing to abide by a written undertaking given by the member to the College or to carry out an agreement entered into with the College.
37. Offering or giving a reduction for prompt payment of an account.
38. Failing to itemize an account for professional services,
- i. if requested to do so by the client or the person or agency who is to pay, in whole or in part, for the services, or
  - ii. if the account includes a commercial laboratory fee.
39. Selling or assigning any debt owed to the member for professional services. This does not include the use of credit cards to pay for professional services.
40. Receiving any form of benefit from the practice of dental hygiene while under suspension unless full disclosure is made by the member to the College of the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee.
41. Employing or otherwise benefiting from a suspended member with respect to the practice of dental hygiene unless full disclosure is made by the member to the College of the nature of the benefit to be obtained and prior approval is obtained from the Executive Committee.

42. Contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts.
43. Contravening a federal, provincial or territorial law, a municipal by-law or a by-law or rule of a hospital within the meaning of the *Public Hospitals Act* if,
  - i. the purpose of the law, by-law or rule is to protect the public health, or
  - ii. the contravention is relevant to the member's suitability to practise.
44. Influencing a client to change his or her will or other testamentary instrument.
45. Failing to co-operate with an investigator of the College or another regulatory body, upon production by the investigator of his or her appointment under section 75 of the Health Professions Procedural Code or to provide access to and copies of all records, documents, and things that may be reasonably required for the purposes of the investigation.
46. Failing to permit entry at a reasonable time and to co-operate with a representative of the College conducting an inspection or examination of the member's office, records, equipment or practice in accordance with the regulations.
47. Engaging in conduct or performing an act, in the course of practising the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. O. Reg. 127/97, s. 1.

## PART VI QUALITY ASSURANCE

### GENERAL

#### 16. In this Part,

"assessor" means a person, who may be an employee of the College, appointed by the Committee under section 81 of the Health Professions Procedural Code, to conduct an assessment under section 82 of the Code;

"Committee" means the Quality Assurance Committee and includes a panel of the Committee. O. Reg. 607/98, s. 1.

17. (1) The Committee shall administer a quality assurance program that includes the following components:

1. Total quality improvement.
2. Continuing quality improvement measures.
3. Peer assessment, practice review and remediation.
4. Remediation of behaviour and remarks of a sexual nature. O. Reg. 607/98, s. 1.

(2) The business of the Committee may be conducted by a panel, selected by the chair from among the members of the Committee. O. Reg. 607/98, s. 1.

(3) A panel shall be composed of at least three persons, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council. O. Reg. 607/98, s. 1.

(4) Any two members of a panel constitute a quorum but one of the members must be a person appointed to the Council by the Lieutenant Governor in Council. O. Reg. 607/98, s. 1.

### TOTAL QUALITY IMPROVEMENT

18. (1) The College shall collect and analyze information about the nature and quality of the practice of dental hygiene, including

information from members, and shall make group-based comparisons of the information. O. Reg. 607/98, s. 1.

(2) The College may use the information and its analysis to disseminate advice or guidelines to the profession to facilitate total quality improvement for the practice of dental hygiene and to adjust the College's quality assurance program. O. Reg. 607/98, s. 1.

(3) Members shall provide statistical information with respect to services provided by members for compilation when requested by the College. O. Reg. 607/98, s. 1.

### CONTINUING QUALITY IMPROVEMENT MEASURES

19. (1) Each member of every class of certificate of registration shall develop and maintain a professional portfolio in accordance with the Committee's specifications that the College has published and distributed to the members. O. Reg. 607/98, s. 1.

(2) Each professional portfolio shall include at least,

- (a) a statement of the member's planned continuing quality improvement goals for each year and the relationship of each goal to the member's practice and the College's standards of practice and ethics;
- (b) a description of a typical day in each of the member's workplaces;
- (c) a description of the member's continuing quality improvement measures; and
- (d) for each continuing quality improvement measure, an assessment of the implementation and outcome of the acquired knowledge, skills, judgment and attitudes in the member's dental hygiene practice. O. Reg. 607/98, s. 1.

20. (1) Subject to subsection (2), starting on the later of January 1 in the year following the year in which a member obtains a general or a specialty certificate of registration and January 1, 1999, the member shall during every year participate in continuing quality improvement activities sufficient to indicate that the member continues to have and to apply in his or her dental hygiene practice the knowledge, skills, judgment and attitudes required to practise dental hygiene in compliance with the College's standards of practice and ethics. O. Reg. 607/98, s. 1.

(2) If, in 1999 or any subsequent year, a member obtains a general or a specialty certificate of registration before July 1 in the year after having ceased to hold that class of certificate for any reason, the member is required to participate in the activities described in subsection (1) from the time that the member obtains the certificate of registration. O. Reg. 607/98, s. 1.

(3) The member shall, during every year that the member participates in the activities, accurately and completely document the activities in the member's professional portfolio. O. Reg. 607/98, s. 1.

21. (1) The College shall review annually the forms, policies and procedures for professional portfolios. O. Reg. 607/98, s. 1.

(2) If the College makes any changes to the forms, policies and procedures for professional portfolios, it shall publish them for inspection by members one year in advance of the January 1 on which they are to come into effect. O. Reg. 607/98, s. 1.

22. (1) Upon paying the annual fee to renew a general or specialty certificate of registration, each member shall provide satisfactory evidence of having maintained the professional portfolio in accordance with the regulations and the forms, policies and procedures of the College. O. Reg. 607/98, s. 1.

(2) If a member does not provide the evidence required under subsection (1), the Registrar shall refer the matter to the Committee. O. Reg. 607/98, s. 1.

(3) After reviewing the reasons for the referral, a panel of the Committee may appoint an assessor to assess the member's quality improvement activities. O. Reg. 607/98, s. 1.

(4) The assessor shall give the Committee and the member a written report of the assessment together with a notice that the member has the right to make written submissions to the Committee on any deficiency noted by the assessor within 30 days of delivery of the notice. O. Reg. 607/98, s. 1.

(5) After reviewing the assessor's report and, if available, the member's professional portfolio and considering the written submissions of the member, if any, the Committee may do one or more of the following:

1. Grant the member an extension for a specified period of time to achieve specified continuing quality improvement goals.
2. Grant the member an exemption from some or all of the requirements for the year in question.
3. Direct the member to complete specified continuing education within a specified period of time.
4. Direct a peer assessment and practice review of the member's practice at his or her practice location under section 23.
5. Direct that no further action is required if it does none of the actions mentioned in paragraph 1, 2, 3 or 4. O. Reg. 607/98, s. 1.

#### PEER ASSESSMENT, PRACTICE REVIEW AND REMEDIATION

23. (1) The Committee shall appoint an assessor for the purposes of this section. O. Reg. 607/98, s. 1.

(2) The Committee shall select the name of members in each year for an assessment, using a stratified random sample based on demographic criteria. O. Reg. 607/98, s. 1.

(3) A member shall undergo an assessment if,

- (a) the Committee selects the member's name under subsection (2) for an assessment;
- (b) the Committee makes a direction under paragraph 4 of subsection 22 (5); or
- (c) the Registrar, the Complaints Committee, the Discipline Committee or the Board refers the member to the Committee and the Committee decides to have the assessor do an assessment. O. Reg. 607/98, s. 1.

(4) In an assessment, the assessor shall assess the member's professional portfolio, quality improvement activities and practice to evaluate the member's knowledge, skills, judgment and attitudes. O. Reg. 607/98, s. 1.

(5) The assessor shall give the Committee and the member a written report of the assessment together with a notice that the member has the right to make written submissions to the Committee on any deficiency noted by the assessor within 30 days of delivery of the notice. O. Reg. 607/98, s. 1.

(6) After considering the report and the written submissions of the member, if any, the Committee may do one or more of the following:

1. Give the member an opportunity to correct any deficiency in continuing quality improvement activities within a specific period of time.
2. Grant the member an exemption from some or all of the requirements for the year in question.
3. Direct the member to complete specified continuing education or remedial programs within a specified period of time.

4. Subject to subsections (7) and (8), direct the Registrar to impose terms, conditions or limitations on the member's certificate of registration for a specified period not exceeding six months if the Committee finds the member's knowledge, skills, judgment or attitudes to be unsatisfactory and the Committee believes that an order under paragraph 1, 2 or 3 is inadequate to address the concerns.

5. Direct that no further action is required if it does none of the actions mentioned in paragraph 1, 2, 3 or 4. O. Reg. 607/98, s. 1.

(7) The Committee shall not make an order under paragraph 4 of subsection (6) unless it has given the member written notice of its intention to make the order and at least 15 days to make written submissions to the Committee. O. Reg. 607/98, s. 1.

(8) The Committee shall not make an order under paragraph 4 of subsection (6) more than twice pursuant to any one assessment. O. Reg. 607/98, s. 1.

(9) If the Committee makes an order under paragraph 1, 2, 3 or 4 of subsection (6), it may at that time or a later time appoint an assessor to conduct a follow-up assessment to determine whether the member's knowledge, skills, judgment and attitudes are satisfactory, and subsections (1) to (8) apply to the follow-up assessment. O. Reg. 607/98, s. 1.

24. (1) Subject to subsection (2), if a member does not participate in or does not successfully complete a continuing education or remedial program specified by the Committee in an order made under paragraph 3 of subsection 23 (6), the Committee may direct the Registrar to impose terms, conditions or limitations on the member's certificate of registration for a specified period not exceeding six months. O. Reg. 607/98, s. 1.

(2) The Committee shall not make an order under subsection (1) unless,

- (a) it has given the member written notice of its intention to make the order and at least 15 days to make written submissions to the Committee; and
- (b) it has considered the written submissions of the member, if any. O. Reg. 607/98, s. 1.

25. The Committee may direct the Registrar to remove the terms, conditions or limitations that it imposes under paragraph 4 of subsection 23 (6) or subsection 24 (1) before the end of the specified period if it is satisfied that the member's knowledge, skills, judgment and attitudes have become satisfactory. O. Reg. 607/98, s. 1.

#### REMEDIATION OF BEHAVIOUR AND REMARKS OF A SEXUAL NATURE

26. (1) Subsection (2) applies to matters referred to the Committee by,

- (a) a panel of the Complaints Committee under subsection 26 (3) of the Health Professions Procedural Code; or
- (b) the Executive Committee, the Complaints Committee or the Board under section 79.1 of the Health Professions Procedural Code. O. Reg. 607/98, s. 1.

(2) The Committee may require a member to undergo a psychological assessment or another assessment specified by the Committee if a matter described in subsection (1) respecting a member is referred to it. O. Reg. 607/98, s. 1.

(3) Subject to subsection (4), after receiving the report of an assessment under subsection (2), the Committee may require the member to undertake specified measures, such as education, therapy or counselling, if the Committee is of the opinion that the measures

will help the member to refrain from sexual abuse. O. Reg. 607/98, s. 1.

(4) The Committee shall not issue a requirement under subsection (3) unless,

- (a) it has given the member notice of its intention to issue the requirement and at least 15 days to make written submissions to the Committee; and
- (b) it has considered the written submissions of the member, if any. O. Reg. 607/98, s. 1.

(5) Subject to subsection (6), if the member refuses to undergo an assessment under subsection (2) or does not undertake or complete the measures specified by the Committee under subsection (3), the Committee may direct the Registrar to impose terms, conditions or limitations on the member's certificate of registration for a specified period not exceeding six months. O. Reg. 607/98, s. 1.

(6) The Committee shall not give a direction under subsection (5) unless,

- (a) it has given the member written notice of its intention to give the direction and at least 15 days to make written submissions to the Committee; and
- (b) it has considered the written submissions of the member, if any. O. Reg. 607/98, s. 1.

(7) The Committee may direct the Registrar to remove the terms, conditions or limitations before the end of the specified period if it is satisfied that they are no longer needed. O. Reg. 607/98, s. 1.

## PART VII REGISTRATION

27. The following are prescribed as classes of certificates of registration:

1. General.
2. Specialty.
3. Inactive. O. Reg. 537/99, s. 1.

28. A person may apply for a certificate of registration in a class set out in section 27 by submitting a completed application to the Registrar, in the manner specified by the Registrar, together with all required supporting documentation and the application fee. O. Reg. 537/99, s. 1.

29. (1) It is a registration requirement for a certificate of registration of any class that the applicant provide details of any of the following that relate to the applicant:

1. Any charge for a criminal offence or an offence related to the regulation of the practice of the profession unless the ensuing proceedings concluded with a verdict of not guilty.
2. A finding of professional misconduct, incompetency or incapacity, or any like finding, in Ontario in relation to another profession, or in another jurisdiction in relation to the profession or another profession.
3. A current proceeding for professional misconduct, incompetency or incapacity, or any like proceeding, in Ontario in relation to another profession, or in another jurisdiction in relation to the profession or another profession.
4. An unsuccessful application for registration as a dental hygienist in Ontario or another jurisdiction.
5. An attempt to pass a licensing examination in Ontario or another jurisdiction that has not, at the time of the application, resulted in a passing grade. O. Reg. 537/99, s. 1.

(2) An applicant shall provide the information referred to in subsection (1) upon application or, if an event referred to in subsection (1) occurs after the application is submitted but before a certificate of registration is issued, immediately after the event occurs. O. Reg. 537/99, s. 1.

30. It is a condition of a certificate of registration of any class that the member provide the College with details of any of the following that relate to the member and that occur or arise after the registration of the member:

1. Any charge for a criminal offence or an offence related to the regulation of the practice of the profession unless the ensuing proceedings concluded with a verdict of not guilty.
2. A finding of professional misconduct, incompetency or incapacity, or any like finding, in Ontario in relation to another profession, or in another jurisdiction in relation to the profession or another profession.
3. A proceeding for professional misconduct, incompetency or incapacity, or any like proceeding, in Ontario in relation to another profession, or in another jurisdiction in relation to the profession or another profession. O. Reg. 537/99, s. 1.

31. (1) An applicant for the issuance of a general certificate of registration must meet the following non-exemptible registration requirements:

1. The applicant must have,
  - i. successfully completed a program of at least two years in dental hygiene that at the time of the applicant's graduation was accredited by the Commission on Dental Accreditation of Canada or by the American Dental Association Commission on Dental Accreditation,
  - ii. successfully completed a program of at least two years in dental hygiene that the Registration Committee considers to be equivalent to a program referred to in subparagraph i,
  - iii. successfully completed some courses in two or more of the programs referred to in subparagraphs i and ii if the Registration Committee considers the courses to be equivalent to having successfully completed a program referred to in subparagraph i, or
  - iv. in the case of an applicant who has previously held a certificate of registration under the Act or under a predecessor of the Act but does not hold a certificate at the time of application, successfully completed a program of study in dental hygiene that the Registration Committee considers to be substantially similar to a program referred to in subparagraph i.
2. The applicant must be the holder of a certificate issued by the National Dental Hygiene Certification Board or, if the applicant is not eligible to sit for the National Dental Hygiene Certification Examination but otherwise meets the registration requirements, must have successfully completed the written certification examination set or approved by the Registration Committee.
3. The applicant must have successfully completed a clinical competency assessment set or approved by the Registration Committee, unless the applicant has successfully completed a program referred to in subparagraph 1 i.
4. An applicant who submits to an examination or assessment referred to in paragraph 2 or 3 must pay the applicable examination fees and assessment fees.
5. The applicant must provide proof of eligibility to acquire the amount of professional liability insurance set out in the by-laws and prior to the issuance of a certificate, must show proof of actual coverage. O. Reg. 537/99, s. 1.

(2) The College shall provide the applicant with a copy of the list of programs referred to in subparagraph 1 i of subsection (1) upon request. O. Reg. 537/99, s. 1.

**32.** The following are registration requirements for a general certificate of registration:

1. If the applicant has previously practised dental hygiene or another profession in Ontario or in any other jurisdiction, there must be no findings of, and no current proceeding involving an allegation of, professional misconduct, incompetence or incapacity or any like finding or proceeding against the applicant that affects the fitness of the applicant to practise the profession.
2. The applicant must not have been charged with an offence that affects the fitness of the applicant to engage in the practice of the profession unless the ensuing proceedings concluded with a verdict of not guilty.
3. If the applicant completed a program referred to in paragraph 1 of subsection 31 (1) more than three years before the date of the application for registration, the applicant must,
  - i. within 18 months before the day the general certificate of registration is issued, have successfully completed either,
    - A. a refresher course set or approved by the Registration Committee, or
    - B. a professional competency assessment as set or approved by the Registration Committee and, if recommended by the professional competency assessment, upgrading courses as set or approved by the Registration Committee, or
  - ii. have been practising dental hygiene in a jurisdiction outside Ontario within the three years before the issuance of the certificate of registration in a manner that demonstrates that he or she could meet the current standards of practice in Ontario and provide the Registration Committee with a letter of good standing from any such jurisdiction.
4. The applicant must be a Canadian citizen or a permanent resident of Canada or be authorized under the *Immigration Act* (Canada) to engage in the practice of the profession.
5. The applicant must be able to speak and write either English or French with reasonable fluency. O. Reg. 537/99, s. 1.

**33.** The following are conditions of a general or specialty certificate of registration:

1. The member's certificate of registration is suspended if the member ceases to be a Canadian citizen or a permanent resident of Canada or to be authorized under the *Immigration Act* (Canada) to engage in the practice of the profession.
2. The member's certificate of registration is suspended if the member ceases to maintain the professional liability insurance. O. Reg. 537/99, s. 1.

**34.** (1) The following are non-exemptible registration requirements for a specialty certificate of registration as a restorative dental hygienist:

1. The applicant must be the holder of a general certificate of registration.
2. The applicant must have,
  - i. successfully completed a specialty program in restorative dental hygiene that at the time of the applicant's graduation was accredited by the Commission on Dental Accreditation of Canada or by the American Dental Association Commission on Dental Accreditation,

ii. successfully completed a specialty program in restorative dental hygiene that the Registration Committee considers to be equivalent to the specialty program referred to in subparagraph i, or

- iii. in the case of an applicant who has previously held a certificate of registration under the Act or under a predecessor of the Act but does not hold a certificate at the time of application, successfully completed a program of study in restorative dental hygiene that the Registration Committee considers to be substantially similar to a program referred to in subparagraph i.
3. If the applicant completed a specialty program referred to in paragraph 2 more than three years prior to the date of the application for a specialty certificate of registration, the applicant must,
  - i. within 18 months before the day the specialty certificate of registration is issued, have successfully completed either,
    - A. a specialty refresher course set or approved by the Registration Committee, or
    - B. a professional competency assessment as set or approved by the Registration Committee and, if recommended by the professional competency assessment, upgrading courses as set or approved by the Registration Committee, or
  - ii. have been practising restorative dental hygiene in a jurisdiction outside Ontario within the three years before the issuance of the certificate of registration in a manner that demonstrates that the applicant could meet current standards of practice in Ontario and provide the Registration Committee with a letter of good standing from any such jurisdiction.

4. The applicant, other than an applicant who has successfully completed a program referred to in subparagraph 2 i, must have successfully completed a specialty assessment set or approved by the Registration Committee and complied with all requirements associated with the assessment, including payment of the examination fees. O. Reg. 537/99, s. 1.

(2) The College shall provide the applicant with a copy of the list of programs referred to in subparagraph 2 i of subsection (1) upon request. O. Reg. 537/99, s. 1.

(3) Only a member who holds a specialty certificate shall use the title "restorative dental hygienist", a variation or abbreviation or an equivalent in another language. O. Reg. 537/99, s. 1.

35. (1) It is a non-exemptible registration requirement for an inactive certificate of registration that the applicant must,
  - (a) be a member who has previously been the holder of a general certificate of registration; or
  - (b) meet the non-exemptible requirements of paragraphs 1, 2, 3 and 4 of subsection 31 (1) and the registration requirements of paragraphs 1, 2, 4 and 5 of section 32. O. Reg. 537/99, s. 1.

(2) It is a condition of an inactive certificate of registration that the member not practise as a dental hygienist in Ontario. O. Reg. 537/99, s. 1.

**36.** (1) A member who holds an inactive certificate of registration may, upon application, be issued a general certificate of registration or, if appropriate, a specialty certificate of registration if the member continues to meet the requirements of paragraphs 1, 2, 4 and 5 of section 32 and meets at least one of the following registration requirements:

1. The member has been the holder of an inactive certificate of registration for three years or less, and he or she held a gen-

eral or specialty certificate of registration for at least three consecutive years prior to being issued the inactive certificate.

2. The member has been the holder of an inactive certificate of registration for three years or less, and, in his or her previous practice of dental hygiene, the member demonstrated that he or she could meet the current standards of practice in Ontario.

3. The member,

i. has been practising dental hygiene outside of Ontario in a manner that demonstrates he or she could meet the current standards of practice in Ontario, and

ii. provides a letter of good standing from the governing body in the jurisdiction or jurisdictions in which he or she has practised within the last three years.

4. The member has, within 18 months before the day the general or specialty certificate of registration is issued, successfully completed,

i. a refresher course set or approved by the Registration Committee, or

ii. a professional competency assessment as set or approved by the Registration Committee and, if recommended by the professional competency assessment, upgrading courses as set or approved by the Registration Committee. O. Reg. 537/99, s. 1.

(2) The member must submit to the College proof of having professional liability insurance in the amount set out in the by-laws before being issued a general or specialty certificate of registration. O. Reg. 537/99, s. 1.

37. (1) If a member fails to provide the annual information return required by the by-laws, the Registrar may send the member notice that he or she must comply within 60 days of receiving the notice. O. Reg. 537/99, s. 1.

(2) If the member fails to provide an information return within 60 days of receiving the notice under subsection (1), the Registrar may suspend the member's certificate of registration. O. Reg. 537/99, s. 1.

(3) The Registrar may lift the suspension of a certificate suspended under subsection (2) if the member provides the information required under the by-laws and pays any outstanding fees and penalties, including a reinstatement fee in an amount set out in the by-laws. O. Reg. 537/99, s. 1.

38. (1) If the Registrar suspends or revokes a member's certificate of registration for failure to pay a prescribed fee, the Registrar may lift the suspension or issue a new certificate on the payment of,

(a) the fee the member failed to pay;

(b) the fees that would have been payable had the member's certificate not been suspended, to a maximum of two years annual fees;

(c) all outstanding fees, costs or expenses or any penalties imposed by a committee of the College; and

(d) any applicable penalties, including the reinstatement fee in an amount set out in the by-laws. O. Reg. 537/99, s. 1.

(2) If a person whose certificate of registration has been revoked or suspended as a result of disciplinary or incapacity proceedings applies to have a new certificate issued or the suspension lifted, and the Registrar is directed under the Health Professions Procedural Code to issue the new certificate or lift the suspension, the Registrar may do so on the payment of,

(a) all outstanding fees, costs or expenses or any penalties imposed by a committee of the College; and

(b) any applicable penalties, including the reinstatement fee in an amount set out in the by-laws. O. Reg. 537/99, s. 1.

(3) If the Registrar suspends a member's certificate of registration for failure to provide proof of professional liability insurance, the Registrar may lift the suspension on the receipt of proof of such insurance and the payment of the reinstatement fee in an amount set out in the by-laws. O. Reg. 537/99, s. 1.

(4) A certificate of registration that has been suspended by the Registrar is deemed to have been revoked the day after the second anniversary of the event that gave rise to the suspension, if the suspension is still in effect at that time. O. Reg. 537/99, s. 1.

(5) A member may be reinstated if the member applies for reinstatement and pays the required fees before the deemed revocation described in subsection (4). O. Reg. 537/99, s. 1.

